THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.223 OF 1999

DATED:16.2.2006

Between:

M.Gowri and others

…Petitioners

And

The District Collector,

W.G. District, Eluru

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.223 OF 1999

ORDER:

The three petitioners claim to be owners of land in S.No.117/5-A and B of Varadarajapuram, Ganapavaram Mandal in West Godavari District. The District Collector issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) proposing to acquire the petitioners' land for house sites. The declaration under Section 6(1) of the Act was published on 9.12.1998. Assailing these, present Writ Petition is filed.

Learned Assistant Government Pleader for Revenue (Land Acquisition) submits that the respondents identified other land for distribution of house sites and therefore there is no proposal to pursue the land acquisition proceedings any further. He also

submits that necessary proceedings may be initiated to withdraw the notification. Further, though enquiry under Section 5A of the Act was dispensed with, possession has not been taken so far.

In view of the above submissions, without expressing any opinion on the merits of the case, this Writ Petition is disposed of giving liberty to respondents to initiate steps to withdraw the notification. It shall be open to petitioners to enjoy their land as their own right as they were doing before issue of impugned notification. No costs.

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(V.V.S.RAO, J)

16.2.2006

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